IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

NO. 5:09-CR-206-FL-1

UNITED STATES OF AMERICA,)	
)	
V.)	
)	
QUENTIN ROBERT BRASWELL,)	ORDER
)	
Defendant.)	

This matter is before the court on defendant's motion (DE 134) to alter or amend the court's order denying defendant's November 21, 2016, motion to correct sentence ("motion to correct") (DE 132). The instant motion, however, does not provide a basis for reconsidering the court's prior order. Indeed, it confirms that defendant seeks to have this court take action to correct asserted errors in defendant's original judgment. (See, e.g., DE 134 at 9-10 (arguing that this court has the authority "to make its own request ('sua sponte') to 'recall' the March 18, 2011, mandate issued by the Fourth Circuit Court of Appeals" based upon asserted errors described in the motion to correct)). Despite the label given by petitioner, such claims "relate to the validity of the underlying criminal judgment," and thus properly were dismissed as second or successive § 2255 claims. United States v. Winestock, 340 F.3d 200, 208 (4th Cir. 2003). Therefore, defendant's motion to alter or amend is DENIED.

SO ORDERED, this the 16th day of December, 2016.

United States District Judge